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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,330	01/29/2004	Atsushi Fujimaki	Q79647	1255
23373	7590	07/07/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			CHAU, MINH H	
		ART UNIT	PAPER NUMBER	2854

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/766,330	FUJIMAKI ET AL.	
	Examiner	Art Unit	
	Minh H. Chau	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 April 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 and 7-18 is/are pending in the application.
- 4a) Of the above claim(s) 7-12 and 15 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,4,5,13,14 and 16-18 is/are rejected.
- 7) Claim(s) 2 and 3 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 August 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/01/06 & 06/06/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 4-5, 13-14 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by *Kohno* (US # 6,473,191).**

With respect to **claims 1, 14, 16, *Kohno*** teach a printer (101) comprising a print performing unit (inherent feature in the printer) which can change a cartridge or a structure thereof (col. 3, lines 19-23) and in which contents of an executable printing process change depending on the structure (col. 5), an apparatus name information storing unit (106) which stores a plurality of apparatus name information as identification information of the apparatus coordinated with the structure, and a request responding unit (105) for transmitting the apparatus name information coordinated with the structure at that time when a prescribed request is received among the plurality of apparatus name information to an apparatus transmitting the request (see cols. 2-6 of Kohno).

With respect to **claims 4 and 17, *Kohno*** teach a printer (101) comprising a print performing unit (inherent feature in the printer) which can change a cartridge or a structure thereof (col. 3, lines 19-23) and operates in either a state capable of a color printing or a state capable of only a monochromatic printing in accordance with the structure (cols. 4-5); and an output request responding unit (105) for transmitting a

printer name corresponding to the operating state of the print performing unit to an apparatus outputting an output request when the output request responding unit receives the output request of the printer name (see cols. 2-6 of Kohno)

With respect to **claims 5 and 18**, *Kohno* teach a printer (101) comprising a print performing unit (inherent feature in the printer) which can change a cartridge or a structure thereof (col. 3, lines 19-23) and operates in either a state capable of a color printing or a state capable of only a monochromatic printing in accordance with the structure (cols. 4-5); and an output request responding unit (105) for transmitting a model type or a device ID corresponding to the operating state of the print performing unit (col. 4) to an apparatus outputting an output request when the output request responding unit receives the output request of the device ID (see cols. 2-6 of Kohno)

With respect to **claim 13**, see col. 4, lines 43+ teaches only the model type of the printing apparatus or only the apparatus name information among the plurality of apparatus name information coordinates with the mounted cartridge or the structure.

Allowable Subject Matter

3. **Claims 2 and 3** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

Claims 2 and 3 have been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a printer including a rewriteable storing unit which stores a machine type designating value as information for designating any of the apparatus name information stored in the apparatus name information storing unit, wherein the request responding unit transmits the information designated from the plurality of apparatus name information by the machine type designating value stored in the rewriteable storing unit to the apparatus which transmits the request when the request responding unit receives the prescribed request.

Response to Arguments

5. Applicant's arguments filed April 11, 2006 have been fully considered but they are not persuasive.

With respect to the rejection of **claims 1, 4-6, 3, 14 and 16-18** under 35 U.S.C. § 102(b) as being anticipated by **Kohno** (US # 6,473,191), the Applicant has argued that "*Kohno fails to disclose or suggest an apparatus name information storing unit which stores a plurality of apparatus name information and a request responding unit for transmitting the apparatus name information coordinated with the structure at that time, in combination with other elements of claim 1*". The Examiner respectfully disagreed with the Applicant's opinion because **Kohno** does teach an apparatus name information storing unit (106), which stores a plurality of apparatus information and a request responding unit for transmitting the apparatus name information coordinated with the structure at that time, **Kohno** teaches in column 4 that upon receiving the command

from the computer, the printing apparatus (101) responds to an inquiry (by the responding unit 105), the printing apparatus (101) determine the type of mounted ink cartridge (monochrome or color) and extracts the model type (monochrome printer or color printer) of the printing apparatus stored in the storing unit (106), and transmitting the apparatus type or name (monochrome printer or color printer) coordinated with the structure (mounted cartridge) at that time to the host computer. In view of the above teaching, it is clear to one of skill in the art that storing unit (106) of *Kohno* stored a plurality of apparatus type or name (monochrome printer or color printer) and allows the CPU (105) to extract the type or apparatus name (monochrome printer or color printer) depending on the type of the cartridge (monochrome or color) mounted in the printing apparatus. It is also noted that the teaching of the extracts model type (monochrome printer or color printer) from the storing unit (106) meet the broad recitation of "apparatus name information" as recited in claim 1. The same response as explained above with respect to claim 16.

The Applicants also argued that "*Kohno fails to disclose or suggest an output request responding unit for transmitting a printer name corresponding to the operating state of the print performing unit (claim 4); and output request responding unit for transmitting a device ID corresponding to the operating state of the print performing unit (claim 5); a control circuit that transmits a printer name corresponding to the operating state of the print performing unit (claim 17); and a control circuit that transmits a device ID corresponding to the operating state of the print performing unit (claim 18), in combination with other elements in each of the respective claims.*" The Examiner

respectfully disagreed with the Applicant's opinion because as explained in the response to claim 1 above, *Kohno* teaches an output request responding unit (105) for transmitting a printer name (*the monochrome printer or the color printer stored in the storing unit (106) is extracts by the CPU 105 in according the type of the ink cartridge (monochrome or color) mounted on the printing apparatus*) corresponding to the operating state of the print engine or the print performing unit (see col. 4). *Kohno* also teach an output request responding unit (105) for transmitting a device model code or a device ID (*the device model code or device ID stored in the storing unit (106) is extracts by the CPU 105 in according the type of the ink cartridge (monochrome or color) mounted on the printing apparatus*) corresponding to the operating state of the print engine or the print performing unit (see cols. 4-5).

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2854

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh H. Chau whose telephone number is (571) 272-2156. The examiner can normally be reached on M - TH 9:30AM - 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHC
June 22, 2006

Minh Chau
MINH CHAU
PRIMARY EXAMINER